



OFFICE OF THE MEDICAL EXAMINER

# Milwaukee County

January 26, 2016

RE: Nicole Harris



## Expertise and Qualifications:

I am a physician currently licensed in California (G48918) and Wisconsin (49701-020). I am certified by the American Board of Pathology in combined Anatomic and Clinical Pathology (1987) and Forensic Pathology (1989), with subsequent voluntary recertification in 2002. Forensic Pathology as a medical subspecialty deals specifically with cause and manner of death in the medicolegal setting. The following experience qualifies me to offer testimony in this case (curriculum vitae attached):

Forensic autopsies – over 9200 to date

Membership in Relevant Professional Organizations  
 College of American Pathologists (Fellow)  
 National Association of Medical Examiners (Fellow, Board member)  
 American Academy of Forensic Sciences (Fellow)  
 Medical Society of Milwaukee County (President)

## Recent trial and deposition testimony:

COUNTY	CASE NAME and/or CASE NO.	DATE	TYPE
Broward County, FL	Pollari (Engle progeny)	3/8/15	Deposition
Broward County, FL	Pollari (Engle progeny)	3/18/15	Trial
Brown County, WI	Linnane v. Rennes	11/22/10	Deposition
Columbia County, WI	State v Waldhart	10/13/15	Trial
Contra Costa County, CA	People v Wong	5/31/15	Prelim hearing
Cook County, IL	Robinson v. City of Chicago	11/12/14	Trial
Cook County, IL	Redmond v Zayyad et al	5/5/15	Trial
Dade County, FL	Perez (Engle progeny)	12/1/10	Deposition
Dade County, FL	Aycock (Engle progeny)	10/21/11	Deposition
Dade County, FL	Narushka (Engle progeny)	5/30/12	Deposition
Dade County, FL	Aycock (Engle progeny)	8/20/12	Deposition
Dade County, FL	Surico (Engle progeny)	10/24/13	Deposition
Dade County, FL	Gore (Engle progeny)	2/12/14	Deposition
Duval County, FL	Redburn (Engle progeny)	11/12/15	Deposition
Fond du Lac County, WI	Lehner v Harris, Inc., et al	10/9/15	Deposition

933 WEST HIGHLAND AVENUE • MILWAUKEE, WISCONSIN 53233 • TELEPHONE: (414) 223-1200

BRIAN L. PETERSON, M.D.  
 Chief Medical Examiner

Hillsborough, FL	Lourie (Engle progeny)	10/7/14	Trial
Kenosha County, WI	State vs. Brian Novak	9/22/10	Preliminary hearing
Kenosha County, WI	State vs. Dominguez-Torres	4/7/11	Trial
Kenosha County, WI	State vs. Gary Saucedo	4/20/11	Trial
Kenosha County, WI	State vs. Gary Saucedo	2/2/12	Trial
Kenosha County, WI	Drake vs. Injured Patients & Families Compensation Fund et al	12/11/12	Trial
Kenosha County, WI	State v Mass	4/21/15	Trial
Milwaukee County, WI	State vs. Brian Novak	6/20/12	Trial
Milwaukee County, WI	State vs. Robert Gant	1/25/10	Trial
Milwaukee County, WI	State vs. Seandell Jackson	2/3/10	Trial
Milwaukee County, WI	State vs. Barnes & Laster	3/12/10	Trial
Milwaukee County, WI	State vs. Gerhard Witte Sr.	3/23/10	Trial
Milwaukee County, WI	State vs. Demetric Scott	4/19/10	Pre-trial hearing
Milwaukee County, WI	State vs. Carter & Lusk	4/27/10	Trial
Milwaukee County, WI	State vs. Olaciregui	5/19/10	Trial
Milwaukee County, WI	State vs. Jones	6/23/10	Trial
Milwaukee County, WI	State vs. Kartes, Olson, Wester	6/29/10	Trial
Milwaukee County, WI	State vs. McNeail	7/27/10	Trial
Milwaukee County, WI	State vs. Lusk	8/2/10	Trial
Milwaukee County, WI	State vs. Lusk	8/4/10	Trial
Milwaukee County, WI	State vs. Masarik	8/18/10	Trial
Milwaukee County, WI	State vs. Jordan	10/13/10	Trial
Milwaukee County, WI	State vs. Smith	11/2/10	Trial
Milwaukee County, WI	State vs. Love	1/19/11	Trial
Milwaukee County, WI	State vs. Farr	2/9/11	Trial
Milwaukee County, WI	State vs. McNeail	2/21/11	Trial
Milwaukee County, WI	State vs. Laster	3/15/11	Trial
Milwaukee County, WI	State vs. Mora	3/15/11	Trial
Milwaukee County, WI	State vs. Yang	3/30/11	Trial
Milwaukee County, WI	State vs. Wester	4/6/11	Trial
Milwaukee County, WI	State vs. Tatum	4/6/11	Trial
Milwaukee County, WI	State vs. House	5/3/11	Trial
Milwaukee County, WI	State vs. Baertlein	5/24/11	Trial
Milwaukee County, WI	State vs. Adams	6/24/11	Trial
Milwaukee County, WI	State vs. Winston	7/20/11	Trial
Milwaukee County, WI	State vs. Faulkner	8/17/11	Trial
Milwaukee County, WI	State vs. Lewis	10/18/11	Trial
Milwaukee County, WI	State vs. Gonzalez	10/26/11	Trial

Milwaukee County, WI	State vs. Adams, Jr.	11/8/11	Trial
Milwaukee County, WI	State vs. Myrick	11/16/11	Trial
Milwaukee County, WI	State vs. Harris	11/30/11	Trial
Milwaukee County, WI	State vs. Muniz-Munoz	12/28/11	Motion hearing
Milwaukee County, WI	State vs. Savage	1/13/12	Trial
Milwaukee County, WI	State vs. Muniz-Munoz	2/16/12	Trial
Milwaukee County, WI	State vs. Harris	2/22/12	Trial
Milwaukee County, WI	State vs. Hawkins	3/1/12	Preliminary hearing
Milwaukee County, WI	State vs. Steinmetz	5/11/12	Preliminary hearing
Milwaukee County, WI	State vs. Harris	5/31/12	Trial
Milwaukee County, WI	State vs. Byrd	6/19/12	Trial
Milwaukee County, WI	State vs. Rivera	7/6/12	Post conviction hearing
Milwaukee County, WI	State vs. Holmes	7/18/12	Trial
Milwaukee County, WI	State vs. Boston	8/23/12	Trial
Milwaukee County, WI	State vs. T. Hollis	9/12/12	Trial
Milwaukee County, WI	State vs. Goodenough	11/28/12	Trial
Milwaukee County, WI	State vs. Turnbull	12/12/12	Trial
Milwaukee County, WI	State vs. Riley, Taylor, Hopgood	12/19/12	Trial
Milwaukee County, WI	State vs. Alphonso Willis	1/9/13	Trial
Milwaukee County, WI	State vs. Baker	1/30/13	Trial
Milwaukee County, WI	Inquest re Derek Williams	2/11/13	Inquest
Milwaukee County, WI	State vs. Williams	3/8/13	Trial
Milwaukee County, WI	State vs. Thomas	4/2/13	Trial
Milwaukee County, WI	State vs. Cooper	6/5/13	Trial
Milwaukee County, WI	State vs. Spooner	7/17/13	Trial
Milwaukee County, WI	State vs. Williams	8/20/13	Trial
Milwaukee County, WI	State vs. Rivera	8/28/13	Trial
Milwaukee County, WI	State vs. Scott	9/18/13	Trial
Milwaukee County, WI	State vs. Tatum	10/1/13	Trial
Milwaukee County, WI	State vs. Walker-Hall	10/1/13	Trial
Milwaukee County, WI	State vs. Hadley, Jr.	11/13/13	Trial
Milwaukee County, WI	State vs. James	12/19/13	Trial
Milwaukee County, WI	State vs. Brooks	1/13/14	Trial
Milwaukee County, WI	State vs. Bean	1/29/14	Trial
Milwaukee County, WI	State vs. Wiley	2/11/14	Trial
Milwaukee County, WI	State vs. Williams	2/25/14	Trial
Milwaukee County, WI	State vs. Johnson	2/28/14	Daubert hearing
Milwaukee County, WI	State vs. Johnson	2/28/14	Trial

Milwaukee County, WI	State v. Scarbrough	1/22/15	Trial
Milwaukee County, WI	State v. Strickland	1/27/15	Trial
Milwaukee County, WI	State v. Grady	1/28/15	Trial
Milwaukee County, WI	State v Easley	4/8/15	Trial
Milwaukee County, WI	State v Strickland	4/28/15	Trial
Milwaukee County, WI	State v Barnett	5/27/15	Trial
Milwaukee County, WI	State v McCormack	6/1/15	Trial
Milwaukee County, WI	State v Garner	6/11/15	Trial
Milwaukee County, WI	State v Moore	8/12/15	Trial
Milwaukee County, WI	State v Zavala	8/12/15	Trial
Milwaukee County, WI	State v Burnside	9/16/15	Trial
Milwaukee County, WI	State v Morehead	9/24/15	Trial
Milwaukee County, WI	State v Cohill	12/1/15	Trial
Milwaukee County, WI	State v McGinnis	12/2/15	Trial
Milwaukee County, WI	State v Agnew	12/10/15	Trial
Ozaukee County, WI	State vs. O'Boyle	5/31/12	Trial
Pinellas County, FL	Ahrens (Engle progeny)	8/5/15	Deposition
Racine County, WI	State vs. Sell	3/19/10	Trial
Racine County, WI	State vs. Green	10/28/10	Trial
Racine County, WI	State vs. Ferguson	4/25/13	Trial
Racine County, WI	State vs. Banks	5/8/13	Trial
Racine County, WI	State v Guerrero	12/15/14	Trial
Racine County, WI	State v Akins	4/7/15	Trial
Sauk County, W	Estate of K. Pierce v Crahen et al	9/10/15	Deposition
Solano County, CA	People vs. Cruz	8/24/12	Trial
St. Lucie County, FL	Gannon (Engle progeny)	12/23/15	Deposition
United States District Court	Boone vs. City of Milwaukee et al	5/1/12	Trial
U.S. District Court, Eastern District of Wisconsin	Boone vs. City of Milwaukee, et al	9/11/12	Trial
Walworth County, WI	Stringer et al v. City of San Pablo et al	1/14/10	Trial
Waukesha County, WI	Estate of E.T. Gorecki, et al v. Ka Bao Lee, et al	12/23/11	Deposition



**Materials Reviewed:**

- Cook County autopsy report 239 of 2005, autopsy photographs
- Trial testimony of Stavon Dancy, State of Illinois vs. Nicole Harris, 05CR14413
- Deposition of Scott Denton, M.D., 1-7-2016
- Additional autopsy photographs received 1-20-2016
- Deposition of Stavon Dancy 1-12-2016

**Case Summary:**

Jaqueri Dancy, a 4 year old male, was reportedly found in his bedroom by his father, Stavon Dancy, on May 14, 2005. According to Mr. Dancy, Jaqueri was prone on the floor. In his testimony, Mr. Dancy stated:

(A) "When I pick him up, his head laid back, and that's when I found the elastic on his neck. From there, I went to the bunkbed to the bottom of the mattress, laid him down, still calling his name. I started unwrapping it."

(Q) "How were you unwrapping the elastic?"

(A) "Just like this (indicating) from around his neck. At that time, I couldn't – it was – just seemed like it was a little bit, you know, too much around his neck, so I tried to do this."

(Q) "What do you mean, do this?"

(A) "Stick my fingers down."

(Q) "Under the elastic?"

(A) Right, and pull it from him, but it was too tight."

(Q) "Were you able to get your fingers beneath the elastic at all to pull it away?"

(A) "No."

(Q) "So then what did you do?"

(A) I just unwrapped it and unwrapped, and when I undid it, I wasn't – he still wasn't responding. So I gave him that's when I started giving him mouth to mouth."

Later at deposition, Mr. Dancy re-stated these details, adding that as many as 10 wraps of the elastic material were around Jaqueri's neck. At the Our Lady of the Resurrection Emergency Department, after the ligature had already been removed, they describe the furrow (injury) as encompassing 60% of the neck.

The autopsy of Jaqueri Dancy was performed on May 15, 2009, by Dr. Scott Denton. In his report, Dr. Denton describes the fatal injury as a ligature abrasion, consistent in pattern with "the stretched elastic band from the fitted bed sheet." In his words:

"Around the neck is a slightly upwards and backwards slanting ligature abrasion, more prominent on the left side of the head, ranging from 0.1 – 0.2 inch wide. The ligature impression shows weave pattern impression marks. The impression starts on the midback of the neck, 6.5 inches beneath the top of the head, traveling around to the left side of the neck with a red/brown abrasion with small parallel vertical cloth-type marks, with the impression mark 7.5 inches beneath the top of the head at the left ear, then passing onto the anterior neck passing just above the thyroid cartilage, 7.0 inches beneath the top of the head, then fading and causing a pale impression between a patterned area of petechiae on the right side of the neck, 7.0 inches beneath the top of the head beneath the right ear, then passing into the back right side of the head and completely fading behind the right mastoid process." (p. 2)

The autopsy finding of serosanguineous (bloody) fluid exuding from the nares (nose) (p. 1) is common to many types of asphyxial death, including strangulation. To the naked eye, this fluid appears as blood. Additionally, Dr. Denton described extensive petechial hemorrhages (rupture of small blood vessels due to the pressure changes in the head and face following compression of the neck) of the upper neck, face, and mouth above the ligature mark and superficial abrasions within the mouth. The abrasions are consistent with the mouth being abraded by the teeth at the time of or just prior to his death. He also described bleeding (hemorrhage) within the muscles over both shoulders and in the muscles of the right upper back; these represented recent injuries not yet visible on the skin, and discovered only by dissection into the muscles of the back. He concluded that the cause of death was strangulation, the manner homicide.

Discussion:

Two issues are of primary concern in death certification, namely, cause and manner of death. The cause of death is the injury or disease that sufficiently interrupts normal physiology so as to be lethal, and is best determined via the autopsy examination. The manner of death describes how the cause arose and is typically determined via history and investigation; the manner may be natural, accident, homicide, suicide, or undetermined. Asphyxial death may be caused by any number of mechanisms. When an object such as a cord, wire, or rope is placed around the neck (the generic term for such objects is "ligature"), death results from compression of the large blood vessels (carotid arteries and jugular veins) and nervous system structures within the neck. In this case the cause of death may be termed "ligature strangulation;" If it involves full or partial suspension by the victim him or her self, the manner of death would be suicide. If it involves another individual placing the ligature, the manner of death is homicide.

In the case at hand multiple autopsy findings are consistent with the ligature having been placed by another individual:

1. The single ligature mark is essentially horizontal. It is described as being 7.5 inches below the top of the head at the left ear, 7.0 inches below the top of the head at the thyroid cartilage (front of the neck), and 7.0 inches below the top of the head at the right ear. Given that the ligature (elastic from a fitted sheet) was attached to the sheet on the top bunk of a bunkbed, and Jaqueri was found prone on the floor, a ligature furrow consistent with this history would have been slanted upward, towards the point of suspension (the sheet). Unless a deceased individual is found in an unusual position (for example, seated, leaning slightly forward, with the ligature secured behind the neck), a horizontal ligature furrow suggests ligature strangulation by another person. As Dr. Denton states in his deposition "I would say the only thing that could indicate a homicide would be the nature of the ligature that was horizontal because that's inconsistent basically with hanging." (p. 86)
2. There was only a single ligature furrow on the neck. As shown in the autopsy photographs, the elastic band from the bed sheet that was photographed shows that the band was only secure to the bed sheet on one end and loose on the other – similar to a shoe lace. Had Jaqueri placed only a single loop of elastic around his neck and laid on the floor, the elastic would not have been sufficiently tight to cause injury, much less death. Had he wrapped several loops of elastic around his neck and laid on the floor, the elastic may have been tight enough to cause injury and death, but the furrow would have been complex, composed of multiple lines. The autopsy photographs and the report only indicate one ligature line. Also, with multiple loops there are typically "pinch" injuries on the skin between loops, and in any case, the complex furrow created is wider than a single loop of material. There are no pinch injuries and furrow is single. Again from Dr. Denton's deposition – (Q) "And, in fact, you would agree with me that the—your physical findings are not consistent with a bed sheet—with the cord being wrapped around Jaqueri's neck tightly multiple times?" (A) "I would agree with that, yes." (p. 136)
3. The ligature furrow disappeared behind the right ear, indicating that the elastic band was not even wrapped around Jaqueri's neck once – at least tight enough to cause his death. This gap further indicates that the ligature (elastic from bed sheet) was pulled from behind.
4. There were "florid petechiae of the upper neck, face and mucosal surfaces above the ligature impression." In most hangings petechiae are absent to rare, generally in the eyes (conjunctiva) if at all. Robust petechiae are much more common in strangulation. From Dr. Denton's deposition – (Q) "Do you find this much petechiae in a hanging case?" (A) "No." (p. 146)
5. The muscle hemorrhages described on the shoulders and right upper back would be consistent with an attacker behind Jaqueri, pulling the ligature (around his neck) while holding him down by the back and shoulders. The abrasions in Jaqueri's mouth, were most likely caused by pressure placed on the mouth – such as his face being pushed into the floor – just prior to his death causing his teeth to abrade his mouth.

● Page 7

January 26, 2016

I reach my conclusions based on the specific findings in the case at hand. From Dr. Denton's very detailed autopsy report, the autopsy photographs and the history offered by Mr. Dancy, and the two scenarios under consideration (accidental vs. homicidal death), my reasoning is summarized as follows:

Autopsy Finding	Accident (hanging)	Homicide (strangulation)
Horizontal furrow	Inconsistent	Consistent
Single (not complex) furrow	Inconsistent	Consistent
Flord petechiae above the ligature	Inconsistent	Consistent
Hemorrhages within back muscles	Inconsistent	Consistent

My conclusion is that the cause of death of Jaqueri Dancy is ligature strangulation, the manner homicide. Should additional materials or information develop in this case, I would be most happy to review them.



Brian L. Peterson, M.D.

January 26, 2016

## **CURRICULUM VITAE**

**Brian L. Peterson, M.D.**

**OFFICE ADDRESS:** Milwaukee County Medical Examiner

933 W. Highland Ave.

Milwaukee, WI 53233

Phone: 414-223-1200

Fax: 414-223-1237

E-mail: brian.peterson@milwaukeecountywi.gov

**PLACE OF BIRTH:** Midland, Michigan

**CITIZENSHIP:** U.S.A.

**EDUCATION:**

08/1973 - 05/1976 - Marquette University, Milwaukee, WI

08/1976 - 05/1980 - Medical College of Wisconsin, Milwaukee, WI

**POSTGRADUATE TRAINING AND FELLOWSHIP APPOINTMENT:**

07/1980 -- 06/1981 -- Intern, The Medical College of Ohio, Toledo, OH

08/1983 -- 08/1987 -- Resident, Naval Hospital, San Diego, CA

09/1987 -- 10/1988 -- Fellow, Armed Forces Institute of Pathology, Washington, D.C.

**MILITARY SERVICE:**

07/1981 - 08/1983 - Battalion Surgeon, U.S. Marine Corps

08/1982 - 08/1983 - Regimental Surgeon, U.S. Marine Corps

09/1987 - 10/1988 - Staff Pathologist, Armed Forces Institute of Pathology, Office of the Armed Forces Medical Examiner

10/1988 - 04/1993 - Staff Pathologist, Navy Hospital, San Diego, CA Department of Pathology

10/1988 - 04/1993 - Regional Medical Examiner, Office of the Armed Forces Medical Examiner

10/1988 - 04/1993 - Medical Director, Navy Tissue Bank, Naval Hospital, San Diego, CA



January 26, 2016

**EDUCATIONAL ADMINISTRATIVE APPOINTMENTS:**

Adjunct Clinical Associate Professor, Touro University College of Osteopathic Medicine, Vallejo, CA

Assistant Clinical Professor of Pathology, Medical College of Wisconsin, Milwaukee, WI

**HOSPITAL AND CLINICAL ADMINISTRATIVE APPOINTMENTS:**

Chief Medical Examiner, Milwaukee County, June 2010 - present

Assistant Medical Examiner, Milwaukee County, September 2008- May 2010

Associate Medical Examiner, Waukesha County, April 2007 – September 2008.

President, Forensic Medical Group, Inc., Fairfield, CA, January 1996-January 2007.

Staff Pathologist, Forensic Medical Group, Inc., Fairfield, CA, April 1993-March 2007.

Laboratory Director, NorthBay / VacaValley Hospitals, 1996-2005.

Active Staff, NorthBay Medical Center, Fairfield, CA, April 1993-February 2005.

Deputy Medical Examiner, County of San Diego, 1989 - 1991.

Medical Director, Navy Tissue Bank, Naval Hospital, San Diego, October 1988 - April 1993.

Regional Medical Examiner, Office of the Armed Forces Medical Examiner, October 1988 - April 1993.

Staff Pathologist, Navy Hospital, San Diego, Department of Pathology, October 1988 - April 1993.

Staff Pathologist, Armed Forces Institute of Pathology, Office of the Armed Forces Medical Examiner, September 15, 1987 - October 3, 1988.

Regimental Surgeon, 9<sup>th</sup> Marine Regiment, 1<sup>st</sup> Marine Division, August 1, 1982 - August 20, 1983.

Battalion Surgeon, 1<sup>st</sup> Battalion, 9<sup>th</sup> Marine Regiment, 1<sup>st</sup> Marine Division, July 28, 1981 - August 20, 1983.

**SPECIALTY BOARDS AND CERTIFICATION:**

California license number G48918, issued September 20, 1982 (active)

Wisconsin license number 49701-020, issued September 5, 2006 (active)

DEA registration number BP3803358 (current)

Anatomic and Clinical Pathology; granted November 18, 1987

Forensic Pathology; granted September 25, 1989

Voluntary Recertification; granted January 1, 2002

**AWARDS AND HONORS:**

AMA Physician Recognition Award, current.

Joint Service Achievement Medal, October 5, 1988.

Navy Commendation Medal, December 7, 1983.

Commanding General, 1<sup>st</sup> Marine Division, Letter of Commendation, September 29, 1982.

National Association of Medical Examiners Outstanding Service Award, 2014

**MEMBERSHIPS IN HONORARY AND PROFESSIONAL SOCIETIES:**

College of American Pathologists (Inspector / Fellow)

American Academy of Forensic Sciences (Fellow)

National Association of Medical Examiners (Fellow, board member)

Disaster Mortuary Operation Response Team (DMORT) Region V (member)

Milwaukee Academy of Medicine

Medical Society of Milwaukee County (President)

Forensic Science, Medicine, and Pathology (editorial board member)

**BIBLIOGRAPHY**

1. Ghazarian JG, Hsu PY, Peterson BL. Chick Kidney Microsomal Cytochrome P-450 Involvement in the Metabolism of 25-Hydroxyvitamin D<sub>3</sub>. *Arch Biochem Biophys* 1977; 99:183.
2. Kulkoski JA, Peterson BL, Elcombe B, Winkelhake JL, Ghazarian JG. Ferredoxin of 25-hydroxyvitamin D<sub>3</sub>-1  $\alpha$ -hydroxylase. Anatomical distribution in the chick kidney as determined by double-antibody radioimmunoassay. *FEBS Lett* 1979; 99:183.
3. Ghazarian JG, Martinez JE, Gallardo AC, Kulkoski JA, Peterson BL. Induction of Renal Cytochrome P-450 by the Polychlorinated Biphenyl Aroclor 1254. Mitochondrial distribution and correlation with the calcium regulating mixed function oxidases 1 $\alpha$  and 24R-hydroxylases of 25-Hydroxyvitamin D<sub>3</sub>. *J Biol Chem* 1980; 255:8725.
4. Peterson BL. External Beveling of Cranial Gunshot Wounds of Entrance. *J Forensic Sci* 1991; 36:1592-1595.
5. Peterson BL. External Beveling of an Entrance Gunshot Wound to the Skull. *Am J Forensic Med Pathol* 1992; 13:88-89.
6. Levine B, Jones R, Smith ML, Gudewicz TM, Peterson BL. A Multiple Drug Intoxication Involving Cyclobenzaprine and Ibuprofen. *Am J Forensic Med Pathol* 1993;14:246-248.
7. Peterson BL, Rossi K. KneePR—Substantial Injuries Caused by Unorthodox Resuscitation Technique. *Am J Forensic Med Pathol* 2011;32(3):248-250.
8. Poulos CK, Peterson BL. Two Cases of Firearm Grip Impressions on the Hands of Suicide Victims. *Am J Forensic Med Pathol* 2012;33(1):61-63.